

**4-206. Summons.**

[For use with District Court Civil Rule 1-004 NMRA]

<b>SUMMONS</b>	
District Court: FIRST JUDICIAL Rio Arriba County, New Mexico Court Address: Post Office Box 2268 225 Montezuma Ave. Santa Fe, New Mexico 87504 / 87501 Court Telephone No.: 505-455-8250	Case Number: D-117-CV-2015-00572  Assigned Judge: Jennifer Attrep
Plaintiff(s): Emilio Randall and Stella Randall  v. Defendant(s): City of Española, et al.	Defendant Name: City of Española Address: 405 N. Paseo de Oñate Española, NM 87532

**TO THE ABOVE NAMED DEFENDANT(S):** Take notice that

1. A lawsuit has been filed against you. A copy of the lawsuit is attached. The Court issued this Summons.
2. You must respond to this lawsuit in writing. You must file your written response with the Court no later than thirty (30) days from the date you are served with this Summons. (The date you are considered served with the Summons is determined by Rule 1-004 NMRA) The Court's address is listed above.
3. You must file (in person or by mail) your written response with the Court. When you file your response, you must give or mail a copy to the person who signed the lawsuit.
4. If you do not respond in writing, the Court may enter judgment against you as requested in the lawsuit.
5. You are entitled to a jury trial in most types of lawsuits. To ask for a jury trial, you must request one in writing and pay a jury fee.
6. If you need an interpreter, you must ask for one in writing.
7. You may wish to consult a lawyer. You may contact the State Bar of New Mexico for help finding a lawyer at [www.nmbar.org](http://www.nmbar.org); 1-800-876-6657; or 1-505-797-6066.

Dated at RIO ARRIBA COUNTY, New Mexico, this 8th day of JULY, 2015.

STEPHEN T. PACHECO  
 CLERK OF DISTRICT COURT

By: \_\_\_\_\_  
 Deputy

*Rachel Vannoy*

Attorney for Plaintiffs  
 Name: John C. Bienvenu  
 Address: 1215 Paseo de Peralta, Santa Fe, NM 87501  
 Telephone No.: (505) 988-8004  
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THIS SUMMONS IS ISSUED PURSUANT TO RULE 1-004 OF THE NEW MEXICO

**EXHIBIT B**

RULES OF CIVIL PROCEDURE FOR DISTRICT COURTS.

RETURN<sup>1</sup>

STATE OF NEW MEXICO )  
 )ss  
COUNTY OF RIO ARRIBA )

I, being duly sworn, on oath, state that I am over the age of eighteen (18) years and not a party to this lawsuit, and that I served this summons in Rio Arriba county on the 16 day of JULY, 2015, by delivering a copy of this summons, with a copy of complaint attached, in the following manner:

**(check one box and fill in appropriate blanks)**

☐ to the defendant \_\_\_\_\_ (*used when defendant accepts a copy of summons and complaint or refuses to accept the summons and complaint*)

☐ to the defendant by [mail] [courier service] as provided by Rule 1-004 NMRA (*used when service is by mail or commercial courier service*).

After attempting to serve the summons and complaint on the defendant by personal service or by mail or commercial courier service, by delivering a copy of this summons, with a copy of complaint attached, in the following manner:

☐ to \_\_\_\_\_, a person over fifteen (15) years of age and residing at the usual place of abode of defendant \_\_\_\_\_, (*used when the defendant is not presently at place of abode*) and by mailing by first class mail to the defendant at \_\_\_\_\_ (*insert defendant's last known mailing address*) a copy of the summons and complaint.

☐ to \_\_\_\_\_, the person apparently in charge at the actual place of business or employment of the defendant and by mailing by first class mail to the defendant at \_\_\_\_\_ (*insert defendant's business address*) and by mailing the summons and complaint by first class mail to the defendant at \_\_\_\_\_ (*insert defendant's last known mailing address*).

☐ to \_\_\_\_\_, an agent authorized to receive service of process for defendant \_\_\_\_\_.

☐ to \_\_\_\_\_, [parent] [guardian] [custodian] [conservator] [guardian ad litem] of defendant \_\_\_\_\_ (*used when defendant is a minor or an incompetent person*).

[ ] to Kelly Duran - City mgr.  
do machina mentoya  
Receptionist (name of person), City of Española, et al. (title of person authorized to receive service. Use this alternative when the defendant is a corporation or an association subject to a suit under a common name, a land grant board of trustees, the State of New Mexico or any political subdivision).

Fees: \_\_\_\_\_

[Signature]  
\_\_\_\_\_  
Signature of person making service  
Private Process Server  
\_\_\_\_\_  
Title (if any)

Subscribed and sworn to before me this 16 day of July, 2015

[Signature]  
\_\_\_\_\_  
Judge, notary or other officer  
authorized to administer oaths

Notary 12-14-2015  
\_\_\_\_\_  
Official title

#### USE NOTE

1. Unless otherwise ordered by the court, this return is not to be filed with the court prior to service of the summons and complaint on the defendant.
2. If service is made by the sheriff or a deputy sheriff of a New Mexico county, the signature of the sheriff or deputy sheriff need not be notarized.

[Adopted effective August 1, 1988; as amended by Supreme Court Order 05-8300-01, effective March 1, 2005; by Supreme Court Order 07-8300-16, effective August 1, 2007; by Supreme Court Order No. 12-8300-026, effective for all cases filed or pending on or after January 7, 2013.]